
THE UNITED STATES DISTRICT COURT

THE DISTRICT OF UTAH

GREG ANDERSON,

Plaintiff,

v.

JIM RICHARDS, in his individual capacity and in
his official capacity and JOHN OR JANE DOE(S)
1 THROUGH 10,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING IN PART [11]
REPORT AND RECOMMENDATION**

Case No. 2:21-cv-00726-DBB-DBP

District Judge David Barlow
Chief Magistrate Judge Dustin Pead

BACKGROUND

The Report and Recommendation (R&R)¹ issued by United States Chief Magistrate Judge Dustin Pead on May 20, 2022 recommends that Plaintiff's Motion for Judgment on the Pleadings (Motion)² be denied.³ The R&R further recommends that Plaintiff be ordered to amend his complaint as it fails to set forth a prima facie case on the alleged causes of action.⁴ The parties were notified of their right to file objections to the R&R within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2).⁵ No party filed an objection.

When reviewing a motion for judgment on the pleadings, the court accepts "facts pleaded by the non-moving party as true and grant[s] all reasonable inferences from the pleadings in

¹ Report and Recommendation (R&R), ECF No. 11.

² ECF No. 8, filed February 9, 2022.

³ R&R at 12–13.

⁴ *Id.* at 12.

⁵ *Id.* at 12–13.

favor of the same.”⁶ As directed by the Tenth Circuit, “[a] motion for judgment on the pleadings ‘should not be granted unless the moving party has clearly established that no material issue of fact remains to be resolved and the party is entitled to judgment as a matter of law.’”⁷ The court adopts the portion of the R&R concluding that “on the current record the facts do no[t] support Plaintiff’s motion.”⁸ Plaintiff failed to “show that he is entitled to judgment as a matter of law,” and his motion must be denied.⁹


Because the only matter pending before the court was Plaintiff’s motion for judgment on the pleadings, the court declines to order Plaintiff to file an amended complaint.

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED IN PART. Plaintiff’s Motion is DENIED.

Signed June 6, 2022.

BY THE COURT



David Barlow
United States District Court Judge

⁶ *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1228 (10th Cir. 2012) (citation omitted).

⁷ *Id.* (citation omitted).

⁸ R&R at 5.

⁹ *Id.*